Death Did Not Spare

By JAMES K. NESBITT

The Modest Jurist

ONE OF THE FIGURES of our history, whose name is mostly forgotten, was Angus John McColl, Chief Justice of British Columbia at the turn of the century.

McColl was a stout bearded man, quiet, extremely modest—so modest that he wanted no fuss made over him when he was appointed to the bench. He seemed to think he could make the transition from lawyer to judge without any fanfare.

He lived mostly in New Westminster, but often came to Victoria, and it was here he died.

The first time Victorians read his name was in August of 1882, when The Colonist noted: "the names of A. J. McColl, Pierce Stevens Hamilton and D. J. Downey appear in yesterday's Gazette as applicants for admission to the bar of the province."

And, in December of 1882: "Angus John McColl, Esq., barrister-at-law, is gazetted as a notary public in the province of British Columbia."

McColl shortly afterwards went to New Westminster, and in July of 1884 The Colonist reprinted from the New Westminster paper: "Mr. McColl, the junior partner in the law firm of Corbould and McColl, left on Thursday's boat for Portland. He goes to meet his affianced bride, a young English lady, and will return with her to this city in a month. We are glad to hear of this young man's good fortune and we wish him many happy years of married life."

For more than 10 years McColl lived and practiced his profession in New Westminster, though frequently here on legal business. To him and his wife were born two sons.

In 1896 came rumors McColl had been appointed to the bench. On the strength of the rumor The Colonist editorialized: "The appointment of Mr. A. J. McColl to the bench of this province is, from all that we can learn, a good one. It meets with the approval of the bar and laymen look upon him as a sound lawyer and an upright man.

"The prospect is that he will make a good judge. We heartily wish him every success in the career on which he has just entered. There is no member of society who is better entitled to the respect and esteem of his fellow citizens than a judge who does his duty faithfully and with ability."

But it was weeks after this before anyone really knew whether or not McColl would be a justice. He refused to say.

THE NEWS was made public in a round-about-way. The Colonist carried a small item from Windsor, Ont.: "Mr. McColl will accept a seat on the British Columbia bar . . . Mrs. Angus J. McColl, of New Westminster, who is visiting here, has received a telegram from her husband, A. J. McColl, Q.C., stating that he has decided to accept the position of judge of the Supreme Court of British Columbia."

The new justice refused anything but the barest minimum of publicity when he was sworn into office Nov. 12, 1896: "Hon. Mr. Justice McColl was yesterday sworn in by Hon. M. Justice Walkem (who had been a B.C. premier), and, having taken the usual oaths will, it is understood, be prepared to enter up his duties at once, although three months' leave is usually given to a judge on appointment. Mr. Justice McColl has been appointed for the New Westminster district, but has the same power as other members of the British Columbia supreme court bench of presiding in any court in the province."

A FEW DAYS LATER, however, the legal profession and the members of the bench decided to forget his modesty, to the embarrassment of McColl:

"The members of the bar took advantage yesterday of the opportunity afforded by Mr. Justice McColl presiding at the Assize Court to offer him their congratulations on his elevation to the bench of the Supreme Court of the province. There was quite a large gathering of barristers, in wigs and gowns, when, at the opening of the court, Mr. Justice McColl ascended the bench, accompanied by Mr. Justice Walkem and by Judge Harrison of the county court.

"After the judges had taken their seats the members of the bar remained standing while Hon. C. E. Pooley, Q.C., as their spokesmen, voiced their congratulations in the following terms:

Chief Justice Angus John McColl . . . one of the ablest and brightest of his time.

"'On behalf of the bar of British Columbia I extend to Your Lordship our hearty congratulations upon your elevation to the honorable position you now occupy, and for which, I may be allowed to say so, your conduct and position as a practicing counsel before this court have shown you to be eminently fitted. We should have been pleased to welcome Your Lordship after taking your oath of office, but your natural modesty prevented our performing that pleasing duty, which the profession always looks upon as its privilege."

"Mr. Justice McColl, in thanking the bar for their kindly recognition of his appointment, said that the thought uppermost in his mind at seeing so many of the members of the bar present was how necessary it was for the proper carrying out of justice that a sympathetic feeling should exist between bar and bench—a feeling that he knew now existed, and which he trusted would always be maintained.

"Mr. Justice Walkem then rose and expressed the pleasure he felt at welcoming Mr. Justice McColl as a colleague. Mr. Justice McColl, he was sure, would fill his position on the bench with honor and credit."

HAVING THUS penetrated Justice McColl's modesty, the lawyers of Victoria arranged one of those elaborate banquets for which Victoria was so famous in the 1880's. The lawyers sat around the table for hours, partaking of a menu that probably could not be prepared today, and there were speeches and toasts until midnight.

The Colonist gave a full report:

"Mr. Justice McColl, whose recent elevation to the Supreme Court bench of the province has given general satisfaction, was last night the guest of the Victoria Bar Association at a dinner at the Driard.

"The members of the local bar were reinforced by several of the legal fraternity from the mainland, and besides Mr. Justice McColl the invited guests were Hon. L. D. Davies, minister of marine and fisheries; Mr. Justice King and Mr. Justice Putnam of the British and United States Behring Sea claims commission; the British and U.S. consul, and the judges of the Supreme Court, all guests belonging to the legal profession. Mr. P. A. E. Irving (later to be a justice), president of the Victoria Bar Association, occupied the chair; Mr. G. H. Barnard (later to be mayor of Victoria, member of parliament and a senator), being vice-chairman.

"The toast to 'Our Guests' was proposed by Hon. D. M. Eberts, attorney-general, who was in his most eloquent vein; and the reply by Mr. Justice McColl was given with a feeling and earnestness that showed how highly he appreciated the kindly sentiments expressed towards him. Mr. Justice McCreight replied for the Supreme Court judges.

"Hon. L. H. Davies, Sir Charles Hibbert Tupper, Hon. Mr. Peters, QC, and Mr. Harry Dallas Helmcken, QC, were heard in reply to the toast to 'Our Lawmakers,' proposed by Mr. Charles Wilson, QC, while 'the Canadian bar' was proposed by Mr. F. B. Gregory (later a justice, and father of George Gregory, MLA) brought responses from Messrs. F. L. Belque, QC, and Mr. Robert Cassidy. Hon. D. M. Dickinson and Mr. Robert Lansing replied to the "United States bar," proposed by Mr. E. V. Bodwell. . . ."

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And here's the menu for that memorable banquet:

SOUP
Pigeon Broth — Mock Turtle
Consomme
RELISHES
Celery — Pickled Onions
FISH
Boiled Salmon, Shrimp Sauce
Fried Whiting, Sauce Tartar
BOILED
Ham and Champagne Sauce
ENTREES
Oyster Patties — Veal Cutlets
Salmi of Ducks — Olives
Boiled Chicken on Toast — Mushrooms
SALAD
Lobster
ROAST
Prime Ribs of Beef
Stuffed Goose and Jelly
Lamb and Mint Sauce
VEGETABLES
Cream Corn — Green Peas
Baked, Boiled and Mashed Potatoes
DESSERT
Plum Pudding, Brandy and Hot Sauce
Apple, Mince and Lemon Pies
Swiss and Canadian Cheese
Assorted Fresh Fruits
Liqueurs — Cafe noir — Mumm's

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TWO YEARS LATER McColl was elevated to the chief justiceship but, as far as we can learn today, he forbade any further entertaining for him.

The Colonist told of the appointment in a despatch from Ottawa:

"Mr. Justice McColl has been promoted to the office of Chief Justice of British Columbia.

"Hon. Angus John McColl is the third son of the Rev. Angus McColl, DD, of Chatham, Ont., a retired clergyman of the Presbyterian Church, by his wife, Alice, daughter of John Ross, late of Toronto.

"Born in 1854, he was educated at the high school, Chatham, and by private tutors and was called to the Ontario bar in 1879. After practising at Brussels and Goderich he removed to Winnipeg, where he became a member of the firm of Bain, Blanshard & McColl. He subsequently, in 1882, removed to British Columbia, taking up his residence at New Westminster. . . ."

Less than two years later Chief Justice McColl died of Bright's disease in his suite in the Oriental Hotel in Victoria. Editorially, The Colonist said:

"Very great regret will be felt all over British Columbia at the untimely death of Chief Justice McColl. He was only in the 48th year of his age, and having been a man of more than ordinary talent he should have had, in the natural order of things, many years of great usefulness before him. His mind was of a peculiar order, he was more than ordinarily quick in seeing the force of legal questions and possessed the faculty of reaching conclusions by mental short-cut, which is one of the most invaluable traits of a jurist. Undoubtedly he was one of the brightest and ablest men connected with the administration of justice in British Columbia, and we might go further and say of Canada."

The burial was in New Westminster, the pallbearers being Mr. Justice P. A. E. Irving, Judges Bole, Harrison and Henderson, Attorney-General D. M. Eberts and E. P. Davis, QC. The chief mourners were Hugh and Sholto, the brother and son of the deceased, and G. E. Corbould and G. D. Brymner, and they, with a great concourse, followed the remains to the last resting place overlooking the old camp of the Royal Engineers.